

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civ. No. 18-3125 JCH

TRANQUILO VALENCIA,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on *Defendant's Opposed Motion to Vacate and Continue the Trial Setting* [Doc. 22]. In its response [Doc. 24], the Government set forth the reasons for its opposition to the motion.

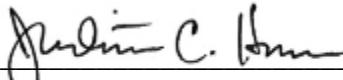
Defendant moves to continue the June 17, 2019 trial setting for 90 days in order to provide the parties with sufficient time to brief the issues raised in Defendant's motion to suppress [Doc. 21], which was filed on May 27, 2019. The Government has not yet filed its response to the motion to suppress. Even if the Government's response had been filed, there still would not be sufficient time for Defendant to file his reply and the Court to hold an evidentiary hearing on the motion prior to the June 17 trial date.

The Government opposes the motion to continue on the grounds that there have been four previous trial continuances, and that Defendant filed both his motion to suppress and his motion to continue after their respective deadlines, and without explanation for doing so. Although the Court notes that it is never proper to fail to comply with scheduling deadlines without good cause, it would be unfair in this case to force the case to go to trial without allowing the parties adequate

time to prepare their briefs on the motion to suppress—a motion that has the potential to be dispositive. It would further undermine the ends of justice to force a trial to take place before the Court could properly consider the Defendant's motion to suppress.

Accordingly, the Court concludes that the motion to continue should be granted and the trial reset in September 2019 so that the parties have the opportunity to brief the motion and the Court has sufficient time to conduct a hearing and give the motion the consideration it deserves.

IT IS THEREFORE ORDERED that *Defendant's Opposed Motion to Vacate and Continue the Trial Setting* [Doc. 22] is **GRANTED**.



UNITED STATES DISTRICT JUDGE